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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,137	03/28/2000	Daniel A. Benton	FA0881 US Na	5926

23906 7590 05/25/2004

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/25/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,137

Applicant(s)

BENTON ET AL.

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 04/05/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al (U.S. 6,522,977).

♦ As per claim 1, 3, 11,

- "Gathering the VIN (vehicle identification number) and manufacturer's paint code, and manufacture date" See Fig. 1, element 10, col. 5 line 4 – 13. The paint code

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corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10).

Corrigan teaches that any additional information or vehicle specific designation of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44).

Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.

- "Extracting from the VIN the model year and manufacturing site information" See col. 4 line 21 – 34, col. 8 line 60 - 66.
- "Searching database" See col. 8 line 60 - 66
- "Identifying the refinish colorcoat" See Fig. 1, col. 8 line 60 – col. 9 line 64.

Corrigan discloses a method that requires both VIN number and scanning sample color in order to obtain an accurate color matching. However, it is possible for one with skill in the art at the time the invention was made to practice different way, such as eliminating the step of scanning the sample color, for some reasons: the result would be the same without scanning sample color because the VIN number fully provides the color matching; the eliminated step would reduce the cost of the painting job.

♦ As per claim 2, 4, 9-10, 12,

- "A computer acting under a program" See col. 6 line 3 - 22, col. 9 line 65 – 67.

♦ As per claim 5, 7

- "Inputting the vehicle VIN" See Fig. 1, element 10, col. 5 line 4 – 13. The paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col.

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9 line 10). Corrigan teaches that any additional information or vehicle specific designation of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44). Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.

- "Inputting the manufacturer's paint code" The paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10). Corrigan teaches that any additional information or vehicle specific designation such as paint formulations (col. 7 line 66 – 67) of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44). Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.
- "Processing the input data" See col. 4 line 21 – 34, col. 8 line 60 - 66.
- "Executing a search for a refinish colorcoat" See col. 8 line 60 - 66
- "Displaying in human-readable" See col. 5 line 38 – 40, col. 11 line 47 – 50.

♦ As per claim 6, 8

- "Preparing an actual refinish colorcoat" See col. 11 line 59 - 64.
- "Applying the prepared refinish colorcoat" See col. 11 line 59 - 64.

♦ As per claim 13,

- "The model year and site of manufacture are ascertained from the VIN" See col. 4 line 21 - 34.

Response to Arguments

Applicant's arguments with respect to claims 1 - 13 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WAYNE AMSBURY
PRIMARY PATENT EXAMINER